

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE MOLINA HERNANDEZ, on his own behalf and	:
others similarly situated,	:
	:
Plaintiff,	:
	:
	:
-against-	:
	:
ROTUNDA REALTY CORP.,	:
SONIA ESSEN BAG, an individual,	:
and ROSE-ANN WEINSTEIN, an individual,	:
	:
Defendants.	:
	:
-----X	

07CIV5955 (JGK)

ANSWER

Defendant Rotunda Realty Corp. and Defendant Rose-Ann Weinstein (collectively “Defendants”), by and through their undersigned attorneys, hereby answer the Complaint (the “Complaint”) of Jose Molina Hernandez (“Plaintiff”) as follows:

1. The allegations in paragraph 1 of the Complaint are not directed towards Defendants therefore no responsive pleadings are required.
2. Defendants deny the allegations contained in paragraph 2 of the Complaint, except admit Plaintiff brought this action against Defendants.
3. Defendants admit that the Plaintiff was employed by Defendant Rotunda Realty Corp. but deny the other allegations contained in paragraph 3 of the Complaint.

4. Defendants state that paragraph 4 of the Complaint states a conclusion of law to which no response is required. To the extent that response is required Defendants deny the allegations.

5. Defendants state that paragraph 5 of the Complaint state a conclusion of law to which no response is required.

6. Defendants state that paragraph 6 of the Complaint states a conclusion of law to which no response is required.

7. Defendants state that paragraph 7 of the Complaint states a conclusion of law to which no response is required.

8. Defendants state that paragraph 8 of the Complaint states a conclusion of law to which no response is required.

9. Defendants state that paragraph 9 of the Complaint states a conclusion of law to which no response is required.

THE PARTIES

10. Defendants deny the allegations contained in paragraph 10 of the Complaint but admit Defendant Rotunda Realty Corp. employed the Plaintiff.

11. Defendants admit the allegations contained in paragraph 11 of the Complaint.

12. Defendants admit the allegations contained in paragraph 12 of the Complaint.

13. Defendants deny the allegations contained in paragraph 13 of the Complaint since Sonia Essenbag is deceased.

14. Defendants deny the allegations contained in paragraph 14 of the Complaint since Sonia Essenbag is deceased.

15. Defendants deny the allegations contained in paragraph 15 of the Complaint since Sonia Essenbag is deceased.

16. Defendants deny the allegations contained in paragraph 16 of the Complaint since Sonia Essenbag is deceased.

17. Defendants deny the allegations contained in paragraph 17 of the Complaint since Sonia Essenbag is deceased.

18. Defendants deny the allegations contained in paragraph 18 of the Complaint since Sonia Essenbag is deceased.

19. Defendants deny the allegations contained in paragraph 19 of the Complaint since Sonia Essenbag is deceased.

20. Defendants state that paragraph 20 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations contained in paragraph 20 of the Complaint.

21. Defendants admit the allegations contained in paragraph 21 of the Complaint.

22. Defendants deny the allegations contained in paragraph 22 of the Complaint.

23. Defendants deny the allegations contained in paragraph 23 of the Complaint.

24. Defendants state that paragraph 24 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

25. Defendants admit the allegations contained in paragraph 25 of the Complaint.

26. Defendants admit the allegations contained in paragraph 26 of the Complaint.

27. Defendants admit the allegations contained in paragraph 27 of the Complaint.

28. Defendants state that paragraph 28 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

29. Defendants state that paragraph 29 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

STATEMENT OF FACTS

30. Defendants admit that the Plaintiff was employed by Defendant Rotunda Realty Corp.

31. Defendants admit the allegations contained in paragraph 31 of the Complaint.

32. Defendants deny the allegations contained in paragraph 32 of the Complaint

33. Defendants state that paragraph 33 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

34. Defendants deny the allegations contained in paragraph 34 of the Complaint.

35. Defendants deny the allegations contained in paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in paragraph 36 of the Complaint.

37. Defendants state that paragraph 37 of the Complaint states a conclusion of law to which no response is required.

38. Defendants state that paragraph 38 of the Complaint states a conclusion of law to which no response is required.

39. Defendants deny the allegations of paragraph 39 of the Complaint.

40. Defendants state that paragraph 40 of the Complaint states a conclusion of law to which no response is required.

41. Defendants deny the allegations contained in paragraph 41 of the Complaint.

42. Defendants deny the allegations contained in paragraph 42 of the Complaint.

43. Defendants state that paragraph 43 of the Complaint states a conclusion of law to which no response is required.

44. Defendants state that paragraph 44 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

45. Defendants state that paragraph 45 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

46. Defendants state that paragraph 46 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

FIRST CAUSE OF ACTION

Minimum Wages Under the Fair Labor Standards Act

47. With respect to the allegations contained in paragraph 47 of the Complaint, Defendants repeats and re alleges each and every admission, denial, averment, and statement contained in paragraphs 1 though 46 hereof with the same force and effect as though here set forth in full.

48. Defendants deny any knowledge as to the truth of the allegation in paragraph 48 of the Complaint.

49. Defendants state that paragraph 49 of the Complaint states a conclusion of law to which no response is required.

50. Defendants state that paragraph 50 of the Complaint states a conclusion of law to which no response is required.

51. Defendants deny the allegations of paragraph 51 of the Complaint.

52. Defendants state that paragraph 52 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

53. Defendants state that paragraph 53 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

54. Defendants state that paragraph 54 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

SECOND CAUSE OF ACTION

Minimum Wages Under the New York Labor Law

55. With respect to the allegations contained in paragraph 55 of the Complaint, Defendants repeats and re alleges each and every admission, denial, averment, and statement contained in paragraphs 1 through 54 hereof with the same force and effect as though here set forth in full.

56. Defendants state that paragraph 56 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

57. Defendants state that paragraph 57 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

58. Defendants state that paragraph 58 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

59. Defendants state that paragraph 59 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

60. Defendants state that paragraph 60 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

THIRD CAUSE OF ACTION

Overtime Wages Under the Fair Labor Standards Act

61. With respect to the allegations contained in paragraph 61 of the Complaint, Defendants repeats and re alleges each and every admission, denial, averment, and statement contained in paragraphs 1 through 60 hereof with the same force and effect as though here set forth in full.

62. Defendants state that paragraph 62 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

63. Defendants state that paragraph 63 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

64. Defendants state that paragraph 64 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

65. Defendants state that paragraph 65 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

66. Defendants state that paragraph 66 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

67. Defendants state that paragraph 67 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

68. Defendants state that paragraph 68 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

69. Defendants state that paragraph 69 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

70. Defendants state that paragraph 70 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

71. Defendants state that paragraph 71 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

FOURTH CAUSE OF ACTION

Overtime Wages Under the New York Labor Law

72. With respect to the allegations contained in paragraph 72 of the Complaint, Defendants repeats and re alleges each and every admission, denial, averment, and statement contained in paragraphs 1 through 72 hereof with the same force and effect as though here set forth in full.

73. Defendants state that paragraph 73 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

74. Defendants state that paragraph 74 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

75. Defendants state that paragraph 75 of the Complaint states a conclusion of law to which no response is required. To the extent that a response is required Defendants deny the allegations.

AS AND FOR AN AFFIRMATIVE DEFENSE

76. All or some of the Plaintiff's claims are barred by the applicable statutes of limitations.

Dated: New York, New York
July 26, 2007

FEDER, KASZOVITZ, ISAACSON, WEBER,
SKALA, BASS & RHINE, LLP.
Attorneys for the Defendants
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Rose-Ann Weinstein

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